

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY
DATE: FEBRUARY 24, 2016
CALENDAR: 10:00 A.M. CHAPTER 7 ADVERSARY PROCEEDINGS

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [12-12304](#)-A-7 MARTHA FAIR CONTINUED STATUS CONFERENCE RE:
[15-1053](#) COMPLAINT
 FAIR V. BANK OF AMERICA, N.A. 4-22-15 [[1](#)]
 ET AL
 THOMAS ARMSTRONG/Atty. for pl.
 ORDER ON STIPULATION RE
 SETTLEMENT, ECF NO. 81

Final Ruling

At the suggestion of the plaintiff, this matter is continued to April 27, at 10:00 a.m. Not later than 14 days prior to the continued hearing date, the plaintiff will, and any defendant may, file a status report.

2. [15-12630](#)-A-7 THEODORE/NAOMI FOSTER CONTINUED STATUS CONFERENCE RE:
[15-1117](#) COMPLAINT
 FIRST NATIONAL BANK OF OMAHA 10-1-15 [[1](#)]
 V. FOSTER
 CORY ROONEY/Atty. for pl.
 RESPONSIVE PLEADING

Final Ruling

At the request of recently substituted counsel for the plaintiff, The Dunning Law Firm and Donald T. Dunning, this matter is continued to March 16, 2016, at 10:00 a.m. Not later than March 9, 2016, the parties shall file a joint status report. Among the subjects to be considered is whether defendant Naomi Elisabeth Foster's [First Amended] Answer, filed December 9, 2016, ECF # 12, (1)complies with Federal Rule of Civil Procedure 15(a)(1), incorporated by Federal Rule of Bankruptcy Procedure 7015; (2) if not, whether the plaintiff will stipulate in writing either to that pleading being deemed filed in accordance with Rule 15(a)(1) or to defendant's filing a Second Amended Answer in compliance with Rule 15(a)(1); and (3) if not, whether and when defendant Foster intends to file her motion to amend the answer.

3. [15-13735](#)-A-7 ISELA IBARRA-MCCANN STATUS CONFERENCE RE: COMPLAINT
[15-1153](#)
DE SANTIAGO V. IBARRA-MCCANN 12-22-15 [[1](#)]
MARIO DE SANTIAGO/Atty. for pl.

Final Ruling

This matter is continued to April 13, 2016, at 10:00 a.m. to allow the plaintiff to seek and prove-up a default against the defendant. If a judgment or dismissal is not in the file, not later than March 30, 2016, the plaintiff shall file a status report.

4. [15-11283](#)-A-7 GLORIA ESTILLORE
[15-1076](#)
ESTILLORE V. U.S. BANK
NATIONAL ASSOCIATION ET AL
GLORIA ESTILLORE/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
NOTICE OF REMOVAL
6-8-15 [[1](#)]

No tentative ruling.